

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

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IN RE YASIM AND YAZ (DROSPIRENONE) : 3:09-md-02100-DRH-PMF
MARKETING, SALES PRACTICES AND RELEVANT :
PRODUCTS LIABILITY LITIGATION : MDL No. 2100

----- : Judge David R. Herndon
This document relates to:

:
Pamela Hamilton v. Bayer Corp., et al. :
(3:09-cv-20051-DRH-PMF) : **UNOPPOSED MOTION**
Claire Keultjes v. Bayer Corp., et al. : **TO AMEND COMPLAINTS**
(3:09-cv-20012-DRH-PMF) : **TO ADD BAYER SCHERING**
Marlene Meadows v. Bayer Corp., et al. : **PHARMA AG AS AN**
(3:09-cv-20009-DRH-PMF) : **ADDITIONAL DEFENDANT**
Valerie Kozak v. Bayer Corp., et al. :
(3:09-cv-20024-DRH-PMF) :
April Dymacek v. Bayer Corp., et al. :
(3:09-cv-20047-DRH-PMF) :
Susan Hargrave v. Bayer Corp., et al. :
(3:09-cv-20074-DRH-PMF) :
Rhonda Bagley v. Bayer Corp., et al. :
(3:09-cv-20121-DRH-PMF) :
Anne Marie Eakins v. Bayer Corp., et al. :
(3:09-cv-20010-DRH-PMF) :
Lauren Murphy v. Bayer Corp., et al. :
(3:09-cv-20011-DRH-PMF) :
Marie Becker v. Bayer Corp., et al. :
(3:09-cv-20032-DRH-PMF) :
Alyssa Stellmaker v. Bayer Corp., et al. :
(3:09-cv-20056-DRH-PMF) :
Alaina Klarquist v. Bayer Corp., et al. :
(3:09-cv-20056-DRH-PMF) :
Kimberly Kirk v. Bayer Corp., et al. :
(3:09-cv-20061-DRH-PMF) :
Wendy Gute v. Bayer Corp., et al. :
(3:09-cv-20064-DRH-PMF) :
Amy Clay v. Bayer Corp., et al. :
(3:09-cv-20073-DRH-PMF) :
Jennifer Engholm v. Bayer Corp., et al. :
(3:09-cv-20080-DRH-PMF) :
Lindsey Schacherl v. Bayer Corp., et al. :
(3:09-cv-20093-DRH-PMF) :

<i>Adrianna Cornell Pinto v. Bayer Corp., et al.</i>	
(3:09-cv-20094-DRH-PMF)	:
<i>Raunda Smith v. Bayer Corp., et al.</i>	
(3:09-cv-20095-DRH-PMF)	:
<i>Sarah Mansour v. Bayer Corp., et al.</i>	
(3:09-cv-20143-DRH-PMF)	:
<i>Kelly Haynam v. Bayer Corp., et al.</i>	
(3:09-cv-20167-DRH-PMF)	:
<i>Marie Stephenson v. Bayer Corp., et al.</i>	
(3:09-cv-20168-DRH-PMF)	:
<i>Cynthia Hale v. Bayer Corp., et al.</i>	
(3:09-cv-20021-DRH-PMF)	:
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Pursuant to Rule 15 of the Fed. R. Civ. P., Plaintiffs in the above captioned matters, by and through their attorneys Burg Simpson Eldredge Hersh & Jardine, P.C., hereby respectfully move for leave to amend their Complaints to add Bayer Schering Pharma AG as an additional defendant. Plaintiffs' motion is unopposed and is brought for good reason as follows.

The original Complaints in each one of the above captioned matters were filed in federal jurisdictions other than the Southern District of Illinois, and the cases were subsequently transferred to the Southern District of Illinois for coordinated proceedings in this Multidistrict Litigation. Plaintiffs named Bayer Healthcare Pharmaceuticals, Inc. as a defendant, but did not name Defendant Bayer Schering Pharma AG as a defendant in their originally filed Complaints.

On May 20, 2010, this Court entered Case Management Order #17, giving all MDL plaintiffs the right to amend their complaints to add Bayer Healthcare Pharmaceuticals, Inc. or Bayer Schering Pharma AG as defendants if they so desired without first having to seek leave of Court. The Court gave all plaintiffs until July 19, 2010, sixty days after the entry of the Order, to file an Amended Complaint utilizing the procedures set forth in CMO #17.

Plaintiffs' counsel recently realized, while reviewing their files, that Amended Complaints had not been filed in the above captioned matters due to an inadvertent oversight of the undersigned counsel. Therefore, on August 12, 2010, Plaintiffs' counsel conferred with Defendants' counsel about the relief requested in this motion. On August 15, 2010, Defendants' counsel informed Plaintiffs' counsel that they would not oppose Plaintiffs' motion or leave to amend.

Plaintiffs respectfully submit that Defendant Bayer Schering Pharma AG will not be prejudiced by the granting of this motion, since Defendants have been aware of the above captioned matters since they were filed and/or transferred to the MDL, and since Defendant Bayer Schering Pharma AG has consented to service of Complaints in this MDL. On the other hand, Plaintiffs have alleged significant personal injuries and would be greatly prejudiced by denial of their motion to amend, if in fact Bayer Schering Pharma AG is a proper Defendant and Plaintiffs are not allowed to pursue their claims against this Defendant. Furthermore, Plaintiffs' counsel's oversight in failing to amend Plaintiffs' complaints pursuant to CMO #17 should not serve to prevent Plaintiffs from availing themselves of the Federal Rules of Civil Procedure and amending their Complaints to pursue their claims against Defendant Bayer Schering Pharma AG. Plaintiffs respectfully request that the Court take these circumstances into consideration when determining whether to grant this motion.

Therefore, Plaintiffs respectfully request that this Honorable Court grant Plaintiffs' motion for leave to amend their Complaints, and provide Plaintiffs 14 days from the granting of this motion to amend their Complaints in accordance with the method set forth in Case Management Order #17.

Dated: August 24, 2010

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Unopposed Motion for Leave to Amend Complaint to Add Bayer Schering Pharma AG as an Additional Defendant was electronically filed on August 24, 2010. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the ECF system of the U.S. District Court for the Southern District of Illinois.

/s/ Calvin S. Tregre, Jr.
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